

2022 Regular Session

SENATE BILL NO. 66

BY SENATOR CONNICK

DOMESTIC VIOLENCE. Enhances penalties for violation of a protective order when committed while in possession of a firearm. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 14:2(B)(50) and R.S. 14:79(B) and (C), relative to the crime of
3 violation of protective orders; to provide for enhanced penalties for violations of a
4 protective order when committed while in possession of a firearm; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:2(B)(50) and R.S. 14:79(B) and (C) are hereby amended and
8 reenacted to read as follows:

9 §2. Definitions

10 * * *

11 B. * * *

12 (50) Violation of a protective order **punishable under R.S. 14:79(C)** ~~if the~~
13 ~~violation involves a battery or any crime of violence as defined by this Subsection~~
14 ~~against the person for whose benefit the protective order is in effect.~~

15 * * *

16 §79. Violation of protective orders

17 * * *

1 B.(1) On a first conviction for violation of protective orders, except as
2 provided in Subsection C of this Section, ~~which does not involve a battery or any~~
3 ~~crime of violence as defined by R.S. 14:2(B) against the person protected by the~~
4 ~~protective order,~~ the offender shall be fined not more than five hundred dollars or
5 imprisoned for not more than six months, or both.

6 (2) On a second or subsequent conviction for violation of protective orders,
7 except as provided in Subsection C of this Section, ~~which does not involve a~~
8 ~~battery or any crime of violence as defined by R.S. 14:2(B) against the person~~
9 ~~protected by the protective order,~~ regardless of whether the current offense occurred
10 before or after the earlier convictions, the offender shall be fined not more than one
11 thousand dollars and imprisoned with or without hard labor for not less than fourteen
12 days nor more than two years. At least fourteen days of the sentence of imprisonment
13 imposed under this Paragraph shall be without benefit of probation, parole, or
14 suspension of sentence. If a portion of the sentence is imposed with benefit of
15 probation, parole, or suspension of sentence, the court shall require the offender to
16 participate in a court-monitored domestic abuse intervention program as defined by
17 R.S. 14:35.3.

18 C.(1) ~~Whoever~~ Except as provided in Paragraph (2) of this Subsection,
19 whoever is convicted of the offense of violation of protective orders where the
20 violation involves a battery or any crime of violence as defined by R.S. 14:2(B)
21 against the person for whose benefit the protective order is in effect, or where the
22 violation involves the offender going to the residence or household, school, or
23 place of employment of the person for whose benefit the protective order is in
24 effect while in possession of a firearm, shall be fined not more than one thousand
25 dollars and imprisoned with or without hard labor for not less than three months nor
26 more than two years. At least thirty days of the sentence of imprisonment imposed
27 under this Paragraph shall be without benefit of probation, parole, or suspension of
28 sentence. If a portion of the sentence is imposed with benefit of probation, parole,
29 or suspension of sentence, the court shall require the offender to participate in a

1 court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

2 (2) Whoever is convicted of the offense of violation of protective orders
 3 where the violation involves a battery or any crime of violence as defined by R.S.
 4 14:2(B) against the person for whose benefit the protective order is in effect, or
 5 where the violation involves the offender going to the residence or household,
 6 school, or place of employment of the person for whose benefit the protective
 7 order is in effect while in possession of a firearm, and who has a conviction of
 8 violating a protective order or of an assault or battery upon the person for whose
 9 benefit the protective order is in effect during the five-year period prior to
 10 commission of the instant offense, regardless of whether the instant offense occurred
 11 before or after the earlier convictions, the offender shall be fined not more than two
 12 thousand dollars and imprisoned with or without hard labor for not less than one year
 13 nor more than five years. At least one year of the sentence of imprisonment imposed
 14 under this Paragraph shall be without benefit of probation, parole, or suspension of
 15 sentence.

16 * * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 66 Engrossed

2022 Regular Session

Connick

Present law provides penalties for violation of protective orders depending upon recidivist status, whether the offender battered the victim and whether the offender committed a crime of violence against the victim. Proposed law further provides that a violation of a protective order, if the violation involves a battery or any crime of violence against the victim to whose benefit the protective order is in effect, is a crime of violence.

Proposed law retains present law and provides enhanced penalties when the offender goes to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm.

Effective August 1, 2022.

(Amends R.S. 14:2(B)(50) and R.S. 14:79(B) and (C))